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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,302	02/26/2004	Cynthia Criss-Puszkiewicz	IGT1P039C1/P-299 CON	7640

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EXAMINER

JONES, SCOTT E

ART UNIT PAPER NUMBER

3713

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/789,302	<b>Applicant(s)</b> CRISS-PUSZKIEWICZ ET AL.	
	<b>Examiner</b> Scott E. Jones	<b>Art Unit</b> 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/04, 6/18/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of group I, claims 1-6 and 12, in the reply filed on January 14, 2005 is acknowledged.

2. Claims 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made **without** traverse in the reply filed on January 14, 2005.

### ***Information Disclosure Statement***

3. The information disclosure statement filed March 15, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. In particular, copies of the documents cited in the "Other Documents" section have not been provided.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Acres U.S. 6,565,434).

Acres discloses a method and apparatus for controlling a bonusing promotion system using a bonus server interconnected to a plurality of gaming devices. An MCI (machine communication interface) can be interconnected to other components of the system, such as, a bank controller communication module, a local OL communication super module, gaming device communication modules, player tracking modules, etc. via numerous communications software and hardware protocols. Acres discloses:

Regarding Claim 1:

- establishing communications with a player tracking server (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
- loading a player tracking protocol for communicating with said player tracking server from among a plurality of different player tracking protocols (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
- establishing communications with a master gaming controller on a gaming machine (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines

Art Unit: 3713

- 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
- loading a gaming machine protocol for communicating with a master gaming controller on said gaming machine from among a plurality of different gaming machine protocols (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47); and
  - performing one or more player tracking functions (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 2:

- sending said gaming information to the player tracking server (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines

Art Unit: 3713

5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 3:

- determining the player tracking server type (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 4:

- determining the gaming machine type (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 5:

- determining one or more peripheral device types (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25,

Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 6:

- determining a plurality of player tracking functions to execute on the player tracking unit and configuring the player tracking unit to execute said plurality of player tracking functions (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).

Regarding Claim 12:

- loading initial player tracking software (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
- establishing a communication connection with a remote server (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);

Art Unit: 3713

- lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
- downloading at least one of additional player tracking software or player tracking software settings from said remote server (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47); and
  - modifying the initial player tracking software using the additional player tracking software or the player tracking settings (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47);
  - performing one or more player tracking functions using said modified player tracking software (Column 3, line 34 and Column 4, line 1-6, Column 15, lines 1-40, Column 17, lines 54-65, Column 20, line 64-Column 21, line 14, Column 26, lines 25-33, Column 41, line 8-Column 44, line 40, Column 45, line 1-Column 46, line 19, Column 46, lines 45-56, Column 47, lines 5-25, Column 47, line 62-Column 48, line 27, Column 50, line 19-Column 52, line 25, and Column 53, lines 35-47).



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (571) 272-4438. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Scott E. Jones  
Primary Examiner  
Art Unit 3713



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